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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4334 of 2007

PETITIONER Kamleshwar Tiwari (wrongly mentioned as Kameshwar Tiwari in the impugned order) Son of Late Shri Chandrika Tiwari, aged about 59 years, Working as Range Assistant (Forester) Forest Range Baskepi, Circle Chando, District Surguja (C.G.)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through: The Secretary, Department of Forest, D.K.S. Bhawan, Raipur (C.G.)

2 The Under Secretary, State of Chhattisgarh, Department of Forest, D.K.S. Bhawan, Raipur (C.G.)

3 The Principal Chief Conservator of Forest, Raipur (C.G.)

4 The Conservator of Forest, Surguja Forest Circle Ambikapur, District Surguja (C.G.)

5 The Divisional Forest Officer East Surguja Division, Ambikapur, District Surguja (C.G.)

Appearance:

Shri V.K. Pandey, counsel for the petitioner.

Shri Arvind Dubey, Panel Lawyer for the State of advance copy.

ORAL ORDER
(30.7.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The challenge is made to the transfer order dated 7.7.2007 by which, the petitioner, who is working as a Range Assistant (Forester), has been transferred from Baskepi Circle Chando, Forest Division Surguja to Bastar Forest Division.

Learned counsel for the petitioner argues that the petitioner is going to retire on 31.7.2008, therefore, he should not have been transferred from the said place and protection should have been given to him in terms of transfer

policy dated 13th June, 2007 (Annexure-P/4). He submits that if exactly calculated from the date of issuance of transfer order, the period of superannuation comes few days, later than one year, therefore, in the strict sense, the benefit of that clause may not be extended to the petitioner but on humanitarian grounds, the case of the petitioner may be considered by the department. He submits that the petitioner has made a representation dated 16.7.2007 to the concerned authority but the concerned authority has not disposed of the representation so far. He also submits that this petition may be disposed of with a direction to the concerned authority to dispose of the said representation within the stipulated period granted by this Court and till then, the petitioner may be allowed to continue on the present place of posting.

The prayer made by learned counsel for the petitioner is principally opposed by learned counsel for the State.

Having heard the learned counsel for the parties, having considered the facts and circumstances of the case, particularly considering that the petitioner is going to retire on 31.7.2008, I am of the considered opinion that the ends of justice would be served, if the petitioner is given a direction to file a representation and the concerned authority is directed to dispose of the same within the stipulated period granted by this Court.

It is directed that let the petitioner file a detailed representation before the concerned authority alongwith the copy of this order and copy of the writ petition within a period of 15 days from today and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 60 days from the date of receipt of such representation. It is further directed that the transfer order shall be kept in abeyance and the petitioner shall be allowed to continue on his present place of posting.

With the aforesaid directions, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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